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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/632,497 | 07/31/2003 | Eric Tsai | T-1245 | 4407 |
| 802 | 7590 | 04/19/2004 | EXAMINER | |
| DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786 | | | LOPEZ, MICHELLE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3721 | |
| DATE MAILED: 04/19/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,497

Applicant(s)

ERIC TSAI

Examiner

Michelle Lopez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jimena (US 4,491,260) in view of Fujimaki (US 5,791,544). Jimena'260 discloses an electric stapler having a housing "11" with a front "16", right, and left sides (see Fig. 1), a stapling recess "14", a stapling mechanism mounted in the body and having a stapler driver solenoid "35" and a staple magazine "23", a coil "38", a metal staple driver "63" movably mounted in the coil to be moved downward (see col. 1, lines 60-66), a control circuit via switch "41" and "51" mounted in the body by a circuit board not shown numerically (see Fig. 3). The control circuit is connected electrically to the coil "38" to energize the coil (see col. 1; lines 67-68, and col.2; lines 1-29). The staple magazine "23" has a track at its forward end aligned with the staple driver (See Figs. 1 and 2). Jimena'260 does not disclose a U-shaped trigger having a cross bar mounted transversely in the stapling recess, and two parallel arms. However, Fujimaki'544 teaches a U-shaped trigger (see Fig. 5) having a cross bar via "18" mounted transversely in the stapling recess and two parallel arms via levers "8" for the purpose of providing an actuating mechanism for operating a stapling unit by making the actuating mechanism to contacts and detect the present of paper to be stapled in arbitrary ways. In view of Fujimaki'544, it would have been obvious to one having ordinary skills in the art to have provided Jimena's invention with a U-shaped trigger (see Fig. 5) having a

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cross bar via "18" mounted transversely in the stapling recess and two parallel arms via levers "8" in order to provide an actuating mechanism for operating a stapling unit by making the actuating mechanism to contacts and detect the present of paper to be stapled in arbitrary ways

Regarding claims 2 and 3, Jimena'260 does not disclose that the switch "51" is a photoelectric switch having a mounting bracket with a transverse slot, a first and second window, a photoelectric detector mounted on the first window and a photoelectric emitter mounted on the second window, a pivot cylinder pivotally mounted on the mounting bracket and having a bottom blade movably mounted in the transverse slot between the windows, a torsional spring, and a bottom coupling. However, Fujimaki'544 teaches a photoelectric switch "19" having a mounting bracket with a transverse slot not shown numerically forming a first and second window (see Fig. 5), a photoelectric detector mounted on the first window and a photoelectric emitter mounted on the second window (see col. 5, lines 42-51), a pivot cylinder via "14" pivotally mounted on the mounting bracket, a torsional spring "17", a bottom coupling "16", and a bottom blade "21" movably mounted in the transverse slot between the windows for the purpose of pivoting the bottom blade "21" on the transverse slot between the two windows when papers are inserted on the stapling recess "3" to be stapled, blocking a light path emitted by the photoelectric emitter and outputting a detection signal, thereby operating the stapling unit by receiving the detection signal by the photoelectric detector and sending the signal through a control circuit to operate the stapling mechanism. In view of Fujimaki'544, it would have been obvious to one having ordinary skills in the art to have provided a photoelectric switch "19" having a mounting bracket with a transverse slot not shown numerically forming a first and second window (see Fig. 5), a photoelectric detector mounted on the first window and a

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photoelectric emitter mounted on the second window (see col. 5, lines 42-51), a pivot cylinder via "14" pivotally mounted on the mounting bracket, a torsional spring "17", a bottom coupling "16" and a bottom blade "21" movably mounted in the transverse slot between the windows in order to pivot the bottom blade "21" on the transverse slot between the two windows when papers are inserted on the stapling recess "3" to be stapled, blocking a light path emitted by the photoelectric emitter and outputting a detection signal, thereby operating the stapling unit by receiving the detection signal by the photoelectric detector and sending the signal through a control circuit to operate the stapling mechanism.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. March'489, Hatazaki'101, Hatazaki'002, Kurosawa'082, Okazaki'505, Shimomura'671, Shimomura'918, Fukai'337, and Oussani'935 are cited to show related inventions.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 703-305-8205. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

A handwritten signature in black ink, appearing to read 'Rinaldi I. Rada', with a long horizontal line extending to the right.

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700